

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

**ORDER TO SHOW CAUSE WHY OCTOBER 4, 2016 ORDER APPOINTING A  
DISCOVERY ARBITRATOR PURSUANT TO BANKRUPTCY RULE 9019(c)  
AND GENERAL ORDER M-390 SHOULD NOT BE AMENDED**

WHEREAS, the Court entered an Order on October 4, 2016 Appointing a  
Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390  
("Discovery Order") [ECF Doc. # 14227] appointing Frank Maas, Esq. ("Discovery  
Arbitrator") as an arbitrator for discovery-related disputes as set forth in greater detail  
in the Discovery Order;

WHEREAS, paragraph four of the Discovery Order ("Paragraph Four") provides,  
*inter alia*, that "[t]he Discovery Arbitrator shall preserve, as a record of his activities, all  
written submissions received from the parties, all written submissions sent to the  
parties and any transcripts of hearings before the Discovery Arbitrator";

WHEREAS, Paragraph Four does not state the length of time for which the

Discovery Arbitrator must retain the documents referenced therein; it is hereby

ORDERED, that the parties having appeared, or currently appearing, before the Discovery Arbitrator to resolve a dispute as contemplated in the Discovery Order show cause at a hearing to be held before the undersigned in Room 723 of the United States Bankruptcy Court on September 26, 2018 at 10:00 a.m., why Paragraph Four should not be amended to limit the period of time for which the Discovery Arbitrator must retain the documents referenced in Paragraph Four to the date that the ruling of the Discovery Arbitrator becomes final and non-appealable pursuant to the terms of the Discovery Order and any applicable Federal Rules of Bankruptcy Procedure, after which the Discovery Arbitrator may dispose of the documents as he sees fit.

Dated: New York, New York  
September 7, 2018

/s/ *Stuart M. Bernstein*  
STUART M. BERNSTEIN  
United States Bankruptcy Judge

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